



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,129	05/05/2004	Raymond Heidel	359999.33	7232

7590 11/03/2009  
David B. Abel  
DLA Piper Rudnick Gray Cary US LLP  
Fourth Floor  
1999 Avenue of the Stars  
Los Angeles, CA 90067

EXAMINER
----------

SHAPIRO, JEFFERY A

ART UNIT	PAPER NUMBER
----------	--------------

3653

MAIL DATE	DELIVERY MODE
-----------	---------------

11/03/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/840,129	<b>Applicant(s)</b> HEIDEL, RAYMOND	
	<b>Examiner</b> JEFFREY A. SHAPIRO	<b>Art Unit</b> 3653	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 July 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/31/09 has been entered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramachandran et al (US 6,941,274 B1) in view of Katou et al (US 2004/0182677A1).

As described in Claims 26-30, Ramachandran discloses an automated transaction machine (ATM) of the recycling currency type, as mentioned in Ramachandran's abstract and at col. 2, lines 45-59, said ATM intended to be used in a vending machine for the purpose of providing ATM capabilities such as accepting and dispensing currency notes.

As described in Claims 26-30, Ramachandran does not expressly disclose, but Katou et al discloses a note validator (30), a validator processor (35) with memory

Art Unit: 3653

(107d), a note box (60, 80 and 81), a temporary storage hopper (40), a transportation unit (501a-h), (502a-b), (503a-c), (504), (901a-e), (902a-e) and (903a-e), the notes being sent through validator (30) in either direction (501b). Note that the deposit/withdrawal port (20) can be construed as the validator opening, with the entire structure (1) being construed as the validator. Note also that bill discrimination unit (30) can be construed as inherently sensing actual bill pattern information for comparison with template patterns stored in memory (107d) and as inherently determining the value of bills detected as received and dispensed by the apparatus.

Regarding Applicants' newly added claim language, the phrase "for accepting currency notes and issuing credits to the host processor to cause the dispensing of the commercial products" is considered intended use language with no patentable weight. Nonetheless, Katou highly suggests that it performs the credit/debit accounting function. See Katou, figure 2 and paragraph 62. Note that this is how all bill handling devices operate. Katou similarly is considered to suggest a configuration to "accept a dispense change instruction from said host processor", since this is how bill handling devices operate.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have embodied Katou's note handling mechanism in place of Ramachandran's note handling mechanism for use in a combination ATM/vending machine that dispenses merchandise.

The suggestion/motivation to do so would have been for the purpose of providing a smaller, more reliable note handling device for vending machines which does not

Art Unit: 3653

cause bill jams. See Katou, paragraph 5, first five lines and paragraphs 9-11. Further, one ordinarily skilled in the art would have recognized the benefit of combining an ATM and vending machine because customers drawn to the vending machine to obtain money through the ATM device of the vending machine may be more willing to make impulsive purchases from the vending machine portion of the apparatus due to the availability of currency, thereby resulting in increased sales of vended goods as compared to a free-standing vending machine.

4. Claims 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramachandran et al (US 6,941,274 B1) in view of Graef et al (US 6,315,194 B1).

As described in Claims 26-30, Ramachandran discloses an automated transaction machine (ATM) of the recycling currency type, as mentioned in Ramachandran's abstract and at col. 2, lines 45-59, said ATM intended to be used in a vending machine for the purpose of providing ATM capabilities such as accepting and dispensing currency notes.

As described in Claims 26-30, Ramachandran does not expressly disclose, but Graef et al discloses a note validator (72 and 258), a validator processor (254) with memory (256) (see also Graef col. 6, lines 10-25), a note box (30, 32, 34, 36, 38 and 40), of which any of said note boxes can be used as a temporary storage hopper, a transportation unit (17, 192, 285) (see also figures 12-15), the notes being sent through validator (72 or 258) in either direction. Note that the deposit/withdrawal port (20) can be construed as the validator opening, with the entire structure (10) being construed as the validator. Note also that bill discrimination/validator unit (72 and 258) can be

Art Unit: 3653

construed as inherently sensing actual bill pattern information for comparison with template patterns stored in memory such as (256) and as inherently determining the value of bills detected as received and dispensed by the apparatus. See also Graef, col. 14, lines 11-55.

Regarding Applicants' newly added claim language, the phrase "for accepting currency notes and issuing credits to the host processor to cause the dispensing of the commercial products" is considered intended use language with no patentable weight. Nonetheless, Graef highly suggests that it performs the credit/debit accounting function as described in col. 13, lines 25-35 and col. 14, lines 25-55. Note that this is how all bill handling devices operate. Graef similarly is considered to suggest a configuration to "accept a dispense change instruction from said host processor", since this is how bill handling devices operate.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have embodied Graef's note handling mechanism in place of Ramachandran's note handling mechanism for use in a combination ATM/vending machine that dispenses merchandise.

The suggestion/motivation to do so would have been for the purpose of providing a more reliable note handling device for vending machines which does not cause bill jams and maintains the operability of the sheet path. See Graef, col. 2, lines 5-30 and 40-50. Further, one ordinarily skilled in the art would have recognized the benefit of combining an ATM and vending machine because customers drawn to the vending machine to obtain money through the ATM device of the vending machine may be more

Art Unit: 3653

willing to make impulsive purchases from the vending machine portion of the apparatus due to the availability of currency, thereby resulting in increased sales of vended goods as compared to a free-standing vending machine.

### ***Response to Arguments***

5. Applicant's arguments filed 7/31/09 have been fully considered but they are not persuasive. Applicant contends that the amendments to Claims 26-30 and new claims 31-35 are allowable over the cited prior art. It is noted that Claims 26-29 have been amended to replace the term "note hopper" with "note hopper/change dispenser". Claim 30 remains the same. Claim 31 is equivalent to Claim 26, except for the insertion of the phrase "a location for a note validator" in line three and the phrase "disposed in a location for the note validator" in lines four and five. Claim 32 is equivalent to Claim 27, except for the insertion of the phrase "a location for a note validator" in line three and the phrase "disposed in a location for the note validator" in lines four and five. Claim 33 is equivalent to Claim 28, except for the insertion of the phrase "a location for a note validator" in line three and the phrase "disposed in a location for the note validator" in lines four and five. Claim 34 is equivalent to Claim 29, except for the insertion of the phrase "a location for a note validator" in line four and the phrase "disposed in a location for the note validator" in lines five and six. Claim 35 is equivalent to Claim 30.

With regards to Claims 26-30, the added limitation "note hopper/changer dispenser" is still considered to be met by the combination of Ramachandran, Katou

Art Unit: 3653

and Graef because Ramchandran's note hopper is operable/capable/configured to dispense change.

With regards to Claims 31-35, the limitation "a location for a note validator" is still considered to be met by the combination of Ramachandran, Katou and Graef because Ramchandran's note hopper configuration as taught by Katou and Graef is operable/capable/configured to fit into a compartment in the vending machine referred to in Ramachandran. Applicant's claims only require that "a location for a note validator" is present structurally. Ramachandran's vending machine must have a location for a note validator since it has a note validator. There are no other limitations dimensionally or otherwise referred to in the claims regarding the claimed location. Therefore, since there are no other changes to Applicant's claims, Applicant's claims are still considered to read on the combination of Ramachandran, Katou and Graef.

### ***Conclusion***

6. This is a continuation of applicant's earlier Application No. 10/840,129. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not



Art Unit: 3653

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY A. SHAPIRO whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3653

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey A. Shapiro/  
Primary Examiner, Art Unit 3653

October 25, 2009